



CITY OF MEMPHIS

COUNCIL AGENDA

September 5, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 15, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

1. **ORDINANCE** rezoning the southeast corner of Summer Avenue (U.S. Hwy. 70) and north of Wolf River, containing 19.12 acres in the Agricultural Flood Plain (AG[FP]) District, up for F I R S T reading.

Peete

Ordinance No. 5182

Case No. Z 06-114

Applicant: Scenic Outdoors, LLC

Request: Light Industrial Flood Plain (AG[FP]) District

LUCB and OPD recommendation: APPROVAL, of Light Industrial Flood Plain

(I-L[FP]) District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING

2. **RESOLUTION** approving engineering plans of SHELBY PARK PD, PHASE 2, SEWER EXTENSION.

Contract No. CR-5031

Resolution approves the engineering plans located at the southeast corner of Raleigh LaGrange Road and Macon Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION
5.

Case No. S 04-085

Resolution approves the final plat located on the northwest corner of Mill Street and Seventh Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION accepting APPLING FARMS BUSINESS PARK, PD, PHASE 2, ROAD DEDICATION and authorizing release of bond.

Case No. PD 04-385
(Contract No. CR-4991)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of I-40 between Appling Road and Charles Bryan Road. The standard improvement contract was approved on November 15, 2005. Resolution also authorizes the release of the certificate of deposit (No. 172750285) in the amount of \$104,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving final plat of GERLAND CREEK PD, PHASE 10.

Case No. PD 92-349cc

Resolution approves the final plat located on the northwest corner of Shelby Drive and Hacks Cross Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting HOLMESWOOD P.D., PHASE 4 and authorizing release of bond.

Case No. PD 91-319
(Contract No. CR-4948)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Getwell road and Holmescrest Lane. The standard improvement contract was approved on June 7, 2005. Resolution also authorizes the release of the Letter of Credit No. 32772 performance bond in the amount of \$988,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of CORDOVA CELLARS P.D., PHASE 1.

Case No. PD 00-336cc

Resolution approves the final plat located on the corner of Macon Road and Berryhill Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting closure of EAST MONROE AVENUE, SOUTH FOURTH STREET, SOUTH THIRD STREET ALLEY, MADISON AVENUE and MONROE AVENUE ALLEY and authorizing release of bond.

Case No. SAC 97-009
(Contract No. CR-4354)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of South Third Street between Madison Avenue and Union Avenue. The standard improvement contract was approved on September 1, 1998. Resolution also authorizes the release of the performance bond in the amount of \$245,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

9. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 06-313 – Lamar Crossing P.D.

Located on the southwest side of Lamar Avenue (U.S. 78) at Dunn Avenue, containing 13.5 acres in the Highway Commercial (C-H) District

Applicant: Lamar Crossing Development, LLC
The Reaves Firm, Inc. - Representative

Request: Planned development to allow +/-35,000 square feet of retail space and one-hundred twenty (120) multi-family apartments within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 06-601 –Waldran Boulevard Closure

Located on the northern terminus of Waldran Boulevard; +45 feet south of Union Avenue, containing 2,340 square feet in the Highway Commercial (C-H) District

Applicant: Mark P. & Judy H. Long

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 06-613 – N. Front Street Alley Closure

Located on the east side of N. Front Street; south of Overton Avenue, containing 2,450 square feet in the Mixed Use (MU) District

Applicant: Front Street Group, LLC

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 05-621 – Country Club Lane Closure

Located on Country Club Lane at Southern Avenue, containing 0.63 acre in the Duplex Residential (R-D) District

Applicant: Country Club Lane Property Owners Association
Harvey Marcom – Representative

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 19, 2006

GENERAL ITEM

10. RESOLUTION designating an honorary street name change in honor of Elder Curley Hamilton.

Holt

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

11. RESOLUTION awarding Contract No. 11109, Systems Furniture, to Corporate Express, Inc., in an estimated funded amount of \$229,940.76.
12. RESOLUTION approving Change No. 2 to Contract No. 10978, Global Positioning System, with At Road, Inc., in an estimated funded amount of \$98,850.00. (This extends the contract for a second 12-month term, 5/14/06 to 5/13/07.)
13. RESOLUTION approving Change No. 4 to Contract No. 11018, Trash Removal Services, with Waste Connections, Inc., in an estimated funded amount of \$115,890.62. (This renews the contract for the second term, 1/1/07 to 12/31/07).
14. RESOLUTION awarding contract for ground rods to Industrial Sales Company, in the amount of \$45,430.00.
15. RESOLUTION awarding contract for capacitor banks to Stuart C. Irby, in the amount of \$42,838.95.
16. RESOLUTION awarding contract for fused cutouts to Tennessee Valley Electric Supply Company, in the amount of \$35,402.50.
17. RESOLUTION awarding contract for crushed limestone to Fullen Dock and Warehouse, in the amount of \$481,750.00
18. RESOLUTION amending Purchase Order No. 122510 with Thomas Consultants, Inc. for Dell servers, in the amount of \$860,000.00, for a total amount of \$2,280,812.00.
19. RESOLUTION amending Purchase Order No. 123966 with StressCrete c/o Curtis H. Stout of Tennessee for concrete standards, in the amount of \$574,440.00, for a total amount of \$979,146.99.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

20. APPOINTMENTS

Marshall

Health, Education & Housing Facility Board

Reappointments

Roshun A. Austin

Lee Patton

Daniel T. Reid

GENERAL ORDINANCE - THIRD AND FINAL READING

21. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as it relates to Establishing an Audit Committee to request, receive, review, analyze and evaluate investigations, examinations, reports and/or audits, and as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held on November 7, 2006, up for T H I R D and F I N A L reading. (Held from 8/15)

Brittenum

Ordinance No. 5180

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

22. RESOLUTION accepting grant funds in the amount of One Hundred Thirty-Six Thousand, Nine Hundred Ninety-Two Dollars and Sixty Cents (\$136,992.60) from the State of Tennessee Department of Labor and Workforce Development for WIA Title One Career Center Resource Share Grant. Resolution also amends the FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION accepting grant funds in the amount of Six Thousand, Seven Hundred Fifty-Two Dollars and Sixteen Cents (\$6,752.16) from the State of Tennessee Department of Labor and Workforce Development Adult Education for WIA Title One Career Center Resource Share Grant. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of Two Million, Five Hundred Eighty-Four Thousand and Eight-Three Dollars (\$2,584,083.00) from the State of Tennessee Department of Labor for WIA Title One Youth Services Grant. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting grant funds in the amount of Two Hundred Eighty-Seven Thousand, One Hundred Twenty Dollars (\$287,120.00) from the State of Tennessee Department of Labor for WIA Title One Administrative Services Grant. Resolution also amends FY2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

26. RESOLUTION transferring a portion of previously accepted and appropriated Federal Grant Funds in the amount of \$190,000.00 to Search/Rescue Warehouse, CIP Project Number FS04006, for Architecture and Engineering Design.

Chumney

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating \$2,700,000.00 in G.O. Bonds General for Search/Rescue Warehouse, CIP Project Number FS04006, chargeable to the FY 2007 Capital Improvement Budget

Chumney

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating \$437,000.00 in G.O. Bonds General for the Vehicle Capture Exhaust Systems at existing fire stations, CIP Project Number FS04007, FEMA Grant chargeable to the FY 2007 Capital Improvement Budget.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES

29. RESOLUTION requesting City Council approval of the Management and Renovation Agreement between the City of Memphis, Tennessee, through its Division of Park Services and the Friends of the Levitt Pavilion Memphis, Inc., a Tennessee 501 (c) (3) non-profit corporation, for the management and renovation of the Raoul Wallenburg Shell in Overton Park. The initial term of the Agreement is to be twenty-five (25) years.

McCormick

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$250,000.00 funded by G.O. Bonds General for major Zoo maintenance. The City of Memphis has entered into an agreement with Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation.

McCormick

Council did include Zoo Major Maintenance, CIP Project Number PK09002, as part of the FY 2007 Capital Improvement Budget

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE - THIRD AND FINAL READING

31. **ORDINANCE** rezoning the northwest corner of Winchester Road and Avenue of Commerce, containing 13.06 acres in the Light Industrial (I-L) & Single Family Residential (R-S15) Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5181
Case No. Z 06-111

Applicant: FedEx Express Corporation
Jeff Hedgepeth – Representative

Request: General Office (O-G) District

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON AUGUST 25, 2006

DIVISION OF PLANNING & DEVELOPMENT

32. **RESOLUTION** approving a two year time extension beginning at the west line of Deerskin Drive and proceeding west \pm 115 feet therefrom. (Previously approved by Council on June 17, 2003).

Peete

Case No. SAC 02-619

Applicant: Memphis Housing Authority
Dickinson & Bennett – James K. Dickinson – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

33. **RESOLUTION** approving a special use permit located on the southside of U.S. Highway 70; 90 feet west of Brunswick Road, containing 21.10 acres in the Agricultural (AG) District.

Peete

Case No. SUP 06-207cc

Applicant: Sprint Communications Corp.
Shawn Massey, Oasis Consulting, LLC – Representative

Request: Increase height of one cell tower from 150 ft. to 153 ft.

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

34. **RESOLUTION** approving a special use permit located on the west side of Hacks Cross Road; \pm 1400 feet north of Stateline Road, containing 77 acres in the Multiple Dwelling Residential (R-MH) District.

Peete

Case No. SUP 06-213cc

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Applicant: Memorial Park, Inc.

Request: Permit for cemetery use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

35. RESOLUTION approving a special use permit located on the east side of Idlewild Street; ±325 feet north of Union Avenue, containing 0.21 acre in the Multiple Dwelling Residential (R-MH) District.

Peete

Case No. SUP 06-218

Applicant: Les Passees Club, Inc.
Jim Strickland, Attorney-at-Law – Representative

Request: Permit for office use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

36. RESOLUTION approving a use variance located on the northside of E. McLemore Avenue; +242 feet west of Fountain Court, containing 0.33 acre in the College University (CU) District.

Peete

Case No. UV 06-07

Applicant: Lois Johnson
Minister Sahkara Yahweh – Representative

Request: Bed-N-Breakfast Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

37. RESOLUTION approving a hotel waiver for Colonial Inn and Suites at 1952 E. Shelby Drive, Memphis, TN 38116.

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

38. RESOLUTION approving an appeal located on the west side of Coro Road, opposite High Point Cove, containing 6 acres in the Single Family Residential (R-S10) and (R-S6) Districts.

Peete

Case No. S 06-027

Owner of Record: Coro Vista, L.L.C.

Applicant: Gerald Robinson

Appellant: City Engineer

Request: Appeal to overturn action of the Land Use Control Board which granted a variance to permit a rural cross-section along Coro Road, omitting curb and gutter, as a part of their approval of the fourteen lot preliminary plat for the proposed Coro Road Subdivision (S 06-027)

OPD recommendation: Approval, with 2 variations and 1 condition

ACTION REQUESTED: Take whatever action Council deems advisable

22 NOTICES MAILED ON AUGUST 25, 2006

39. RESOLUTION approving an appeal located on the west side of Center Drive; \pm 325 feet south of Cross Drive, containing 1.465 acres in the Single Family Residential (R-S10) District. (Held from 7/25)

Peete

Case No. S 06-011

Appellant: William Chandler

Request: Appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 591 Center Drive

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON JULY 14, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

40. RESOLUTION joining the United States Postal Service in their campaign highlighting September 19, 2006 as “Grow Your Business Day” in Memphis, Tennessee.

Holt

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

9. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

Consent

E. Case No. SUP 06-217

Located north of Fay Road; southeast of CSX Rail Road; east of “A” Road, containing 0.19 acre in the Local Commercial (C-L) District

Applicant: Tower Ventures V, LLC
Cindy Reaves, SR Consulting, LLC – Representative

Request: 150-foot tower for commercial mobile communication systems
(cell tower)

LUCB and OPD recommendation: APPROVAL, with conditions

41. RESOLUTION approving final plat of NORTHGATE SHOPPING CENTER C-P, PHASE 2.

Consent

Case No. Z 04-131
Contract No. CR-5032

Resolution approves the final plat located at the intersection of Thomas Street and Whitney Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION authorizing the execution of a series of transactions with Nucor Steel Memphis, Inc., for certain lands in the Frank C. Pidgeon Industrial Park, including the new harbor as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on August 23, 2006.

Marshall

Contract No. CR-5033

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION authorizing the execution of a lease agreement with T E Products Pipeline Company, Limited Partnership (“TEPPCO”) for certain lands on Presidents Island as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 22, 2006.

Marshall

Contract No. CR-5034

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION approving the twenty-year term of contract with Tennessee Energy Acquisition Corporation (TEAC) for the purchase of natural gas at a discounted price.

Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 8 – Approved
- 9. Public Hearing Set for September 19, 2006
- 10. Through 20 – Approved

ADD-ONS

21. Held until September 19, 2006
22. Through 32 – Approved
33. Through 35 – Approved, as amended
36. & 37 – Approved
38. Approved, as amended
39. Withdrawn
40. A vote was not taken on this item
41. Through 44 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 15, 2006

Approved, as amended. The minutes of Item #36 from September 5, 2006 meeting, Case No. UV 06 07, were approved with these minutes.